

## CONFERENCE COMMITTEE REPORT DIGEST FOR HB 1613

**Citations Affected:** IC 10-1-11; IC 25-1; IC 25-14-1-23; IC 25-22.5; IC 25-23-1; IC 25-23.6; IC 25-30; noncode.

**Synopsis:** Professional licensure. Moves provisions allowing for certification of polygraph examiners by the state police department. Changes the name of the private detectives licensing board to the "private investigator and security guard licensing board". Adds the following prohibited actions to the health professions standards: (1) failure to comply with an order issued by the practitioner's board; and (2) engaging in or soliciting sexual contact with a patient who is not the practitioner's spouse. Provides that a person who directs and controls the treatment of dental patients, or owns or operates a dental practice, practices dentistry. Requires the medical licensing board of Indiana to adopt rules requiring physicians to report on license renewal forms any continuing education hours completed during the license renewal period. Requires the Indiana state board of nursing to adopt rules requiring nurses to report on license renewal forms any continuing education hours completed during the license renewal period. Allows for random audits for verification of continuing education hours reported by physicians and nurses. Amends continuing education requirements for advanced practice nurses to renew their authority to prescribe legend drugs. Specifies that the volunteer exemption from the licensure requirements for marriage and family therapists, social workers, and mental health counselors applies only to employees or volunteers for an organization that performs charitable, religious, or educational functions. Requires that a mental health counselor license applicant have a master's or doctor's degree in counseling from an accredited institution. Separates the licensing requirements for private investigators and security guards. Allows the state board of dental examiners to grant certain dentists an inactive license. Requires the social worker, marriage and family therapist, and mental health counselor board to amend an administrative rule to add the Indiana council of community mental health centers to the list of organizations that are approved as sponsors for continuing education programs. (This conference committee report: (1) moves provisions allowing for certification of polygraph examiners by the state police department; (2) adds provisions changing the name of the private detectives licensing board to the "private investigator and security guard licensing board"; (3) adds a provision exempting a practitioner from disciplinary action for engaging in sexual contact with a patient who is the practitioner's spouse; (4) adds provisions concerning actions that are included in the practice of dentistry; (5) adds provisions concerning the reporting of continuing education courses completed by physicians and nurses; (6) adds a provision amending continuing education requirements for advanced practice nurses to renew their authority to prescribe legend drugs; (7) specifies the exemption concerning marriage and family therapy services, social work services, and mental health counseling services performed by volunteers and employees of charitable organizations; (8) adds provision requiring that a mental health counselor license applicant have a master's or doctor's degree in counseling from an accredited institution; (9) adds provisions regarding inactive dentist licenses; (10) adds a provision requiring the social worker, marriage and family

therapist, and mental health counselor board to add the Indiana council of community mental health centers to the list of organizations that are approved as sponsors for continuing education programs; and (11) makes amendments to resolve conflicts with HEA 1826-1999.)

**Effective:** Upon passage; July 1, 1999.

# CONFERENCE COMMITTEE REPORT

**MR. PRESIDENT:**

*Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1613 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1       Page 1, between the enacting clause and line 1, begin a new
- 2       paragraph and insert:
- 3       "SECTION 1. IC 10-1-11 IS ADDED TO THE INDIANA CODE
- 4       AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 5       JULY 1, 1999]:
- 6       **Chapter 11. Regulation of Polygraph Examiners by State Police**
- 7       **Sec. 1.** As used in this chapter, "polygraph examiner" means a
- 8       person who is solely or partly engaged in the business of
- 9       establishing the truth or falsity of any statement or representation,
- 10      by means of a polygraph instrument.
- 11      **Sec. 2.** As used in this chapter, "polygraph instrument" means
- 12      a device that permanently and simultaneously records, at a
- 13      minimum, an individual's cardiovascular and respiratory patterns
- 14      and galvanic skin responses in order to determine truthfulness.
- 15      **Sec. 3. (a)** The department shall issue a certificate of competence
- 16      to operate a polygraph instrument to each individual who complies
- 17      with the standards and procedures established by the department
- 18      under subsection (b).
- 19      **(b)** The department shall, by rule adopted under IC 4-22-2,
- 20      establish standards and procedures for granting certificates of
- 21      competence to operate polygraph instruments. These standards
- 22      and procedures may include one (1) or more of the following
- 23      requirements:
- 24          (1) Evidence which demonstrates that the applicant has
- 25          successfully completed a course of formal training in the use
- 26          of polygraph instruments.
- 27          (2) Evidence which demonstrates the applicant's experience

and competence in the operation of polygraph instruments.

(3) A written examination.

**Sec. 4. The department may revoke a certificate issued under section 3 of this chapter if it determines that information given by an applicant was false.**

**Sec. 5. The department:**

(1) shall adopt rules under IC 25-1-8 to establish fees for the administration of this chapter; and

(2) may adopt rules under IC 4-22-2 to provide any additional procedures necessary to implement this chapter.

**Sec. 6. (a) An individual who has not received a certificate of competence to operate a polygraph instrument may not assume or use the title "certified polygraph examiner", "polygraph examiner", or "polygraph operator".**

**(b) A person who violates this section commits a Class C infraction.**

SECTION 2. IC 25-1-2-6, AS AMENDED BY HEA 1971-1999, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

- (1) Indiana board of accountancy.
- (2) Indiana grain buyers and warehouse licensing agency.
- (3) Indiana auctioneer commission.
- (4) Board of registration for architects.
- (5) State board of barber examiners.
- (6) State board of cosmetology examiners.
- (7) Medical licensing board of Indiana.
- (8) Secretary of state.
- (9) State board of dentistry.
- (10) State board of funeral and cemetery service.
- (11) Worker's compensation board of Indiana.
- (12) Indiana state board of health facility administrators.
- (13) Committee of hearing aid dealer examiners.
- (14) Indiana state board of nursing.
- (15) Indiana optometry board.
- (16) Indiana board of pharmacy.
- (17) Indiana plumbing commission.
- (18) Board of podiatric medicine.
- (19) Private ~~detectives~~ **investigator and security guard** licensing board.
- (20) State board of registration for professional engineers.
- (21) Board of environmental health specialists.
- (22) State psychology board.
- (23) Indiana real estate commission.
- (24) Speech-language pathology and audiology board.
- (25) Department of natural resources.

- 1 (26) State boxing commission.
- 2 (27) Board of chiropractic examiners.
- 3 (28) Mining board.
- 4 (29) Indiana board of veterinary medical examiners.
- 5 (30) State department of health.
- 6 (31) Indiana physical therapy committee.
- 7 (32) Respiratory care committee.
- 8 (33) Occupational therapy committee.
- 9 (34) Social worker, marriage and family therapist, and mental
- 10 health counselor board.
- 11 (35) Real estate appraiser licensure and certification board.
- 12 (36) State board of registration for land surveyors.
- 13 (37) Physician assistant committee.
- 14 (38) Indiana dietitians certification board.
- 15 (39) Indiana hypnotist committee.
- 16 (40) Any other occupational or professional agency created after
- 17 June 30, 1981.

18 (c) Notwithstanding any other law, the entities included in  
 19 subsection (b) shall send a notice of the upcoming expiration of a  
 20 license to each licensee at least sixty (60) days prior to the expiration  
 21 of the license. The notice must inform the licensee of the need to renew  
 22 and the requirement of payment of the renewal fee. If this notice of  
 23 expiration is not sent by the entity, the licensee is not subject to a  
 24 sanction for failure to renew if, once notice is received from the entity,  
 25 the license is renewed within forty-five (45) days of the receipt of the  
 26 notice.

27 SECTION 3. IC 25-1-6-3 IS AMENDED TO READ AS FOLLOWS  
 28 [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) There is established the  
 29 Indiana professional licensing agency. The licensing agency shall  
 30 perform all administrative functions, duties, and responsibilities  
 31 assigned by law or rule to the executive director, secretary, or other  
 32 statutory administrator of the following:

- 33 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 34 (2) Board of registration for architects (IC 25-4-1-2).
- 35 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 36 (4) State board of barber examiners (IC 25-7-5-1).
- 37 (5) State boxing commission (IC 25-9-1).
- 38 (6) State board of cosmetology examiners (IC 25-8-3-1).
- 39 (7) State board of funeral and cemetery service (IC 25-15-9).
- 40 (8) State board of registration for professional engineers (IC
- 41 25-31-1-3).
- 42 (9) Indiana plumbing commission (IC 25-28.5-1-3).
- 43 (10) Indiana real estate commission (IC 25-34.1).
- 44 (11) Until July 1, 1996, Indiana State board of television and
- 45 radio service examiners (IC 25-36-1-4).
- 46 (12) Real estate appraiser licensure and certification board (IC
- 47 25-34.1-8-1).
- 48 (13) Private ~~detectives~~ **investigator and security guard** licensing
- 49 board (IC 25-30-1-5.1).
- 50 (14) State board of registration for land surveyors (IC
- 51 25-21.5-2-1).

(b) Nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

SECTION 4. IC 25-1-7-1, AS AMENDED BY HEA 1971-1999, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:  
Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this section; and
- (2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15-9).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Indiana state board of nursing (IC 25-23-1).
- (14) Indiana optometry board (IC 25-24).
- (15) Indiana board of pharmacy (IC 25-26).
- (16) Indiana plumbing commission (IC 25-28.5-1-3).
- (17) Board of podiatric medicine (IC 25-29-2-1).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2).
- (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (24) Respiratory care committee (IC 25-34.5).
- (25) Private ~~detectives~~ **investigator and security guard** licensing board (IC 25-30-1-5.1).
- (26) Occupational therapy committee (IC 25-23.5).
- (27) Social worker, marriage and family therapist, and mental

health counselor board (IC 25-23.6).

(28) Real estate appraiser licensure and certification board (IC 25-34.1-8).

(29) State board of registration for land surveyors (IC 25-21.5-2-1).

(30) Physician assistant committee (IC 25-27.5).

(31) Indiana athletic trainers board (IC 25-5.1-2-1).

(32) Indiana dietitians certification board (IC 25-14.5-2-1).

(33) Indiana hypnotist committee (IC 25-20.5-1-7).

(34) Indiana physical therapy committee (IC 25-27).

(35) Any other occupational or professional agency created after June 30, 1981.

SECTION 5. IC 25-1-8-1, AS AMENDED BY HEA 1971-1999, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

Sec. 1. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).

(4) State board of barber examiners (IC 25-7-5-1).

(5) State boxing commission (IC 25-9-1).

(6) Board of chiropractic examiners (IC 25-10-1).

(7) State board of cosmetology examiners (IC 25-8-3-1).

(8) State board of dentistry (IC 25-14-1).

(9) State board of funeral and cemetery service (IC 25-15).

(10) State board of registration for professional engineers (IC 25-31-1-3).

(11) Indiana state board of health facility administrators (IC 25-19-1).

(12) Medical licensing board of Indiana (IC 25-22.5-2).

(13) Mining board (IC 22-10-1.5-2).

(14) Indiana state board of nursing (IC 25-23-1).

(15) Indiana optometry board (IC 25-24).

(16) Indiana board of pharmacy (IC 25-26).

(17) Indiana plumbing commission (IC 25-28.5-1-3).

(18) Board of environmental health specialists (IC 25-32-1).

(19) State psychology board (IC 25-33).

(20) Speech-language pathology and audiology board (IC 25-35.6-2).

(21) Indiana real estate commission (IC 25-34.1-2-1).

(22) Indiana board of veterinary medical examiners (IC 15-5-1.1-3).

(23) Department of insurance (IC 27-1).

(24) State police department (IC 10-1-1-1), for purposes of certifying polygraph examiners under ~~IC 25-30-2~~ **IC 10-1-11**.

(25) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.

(26) Private ~~detectives~~ **investigator and security guard** licensing board (IC 25-30-1-5.1).

(27) Occupational therapy committee (IC 25-23.5-2-1).

(28) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6-2-1).

- 1 (29) Real estate appraiser licensure and certification board (IC
- 2 25-34.1-8).
- 3 (30) State board of registration for land surveyors (IC
- 4 25-21.5-2-1).
- 5 (31) Physician assistant committee (IC 25-27.5).
- 6 (32) Indiana athletic trainers board (IC 25-5.1-2-1).
- 7 (33) Board of podiatric medicine (IC 25-29-2-1).
- 8 (34) Indiana dietitians certification board (IC 25-14.5-2-1).
- 9 (35) Indiana physical therapy committee (IC 25-27).
- 10 (36) Any other occupational or professional agency created after
- 11 June 30, 1981."
- 12 Page 1, line 1, before "IS" insert ", AS AMENDED BY HEA
- 13 1826-1999,".
- 14 Page 2, line 6, delete "includes" and insert "may include".
- 15 Page 2, line 30, delete "or".
- 16 Page 2, line 33, after ";" insert "or".
- 17 Page 2, line 34, reset in roman "(10) a practitioner has failed to
- 18 comply with an order".
- 19 Page 2, line 34, after "order" insert "~~imposing a sanction~~".
- 20 Page 2, line 35, reset in roman "under section 9 of this chapter;".
- 21 Page 2, after line 42, begin a new paragraph and insert:
- 22 **"(c) A practitioner who provides health care services to a spouse**
- 23 **is not subject to disciplinary action under subsection (a)(11)."**
- 24 Page 2, after line 42, begin a new paragraph and insert:
- 25 "SECTION 7. IC 25-1-11-1 IS AMENDED TO READ AS
- 26 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this
- 27 chapter, "board" means any of the following:
- 28 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 29 (2) Board of registration for architects (IC 25-4-1-2).
- 30 (3) Indiana auctioneer commission (IC 25-6.1-2).
- 31 (4) State board of barber examiners (IC 25-7-5-1).
- 32 (5) State boxing commission (IC 25-9-1).
- 33 (6) State board of cosmetology examiners (IC 25-8-3-1).
- 34 (7) State board of registration of land surveyors (IC 25-21.5-2-1).
- 35 (8) State board of funeral and cemetery service (IC 25-15-9).
- 36 (9) State board of registration for professional engineers (IC
- 37 25-31-1-3).
- 38 (10) Indiana plumbing commission (IC 25-28.5-1-3).
- 39 (11) Indiana real estate commission (IC 25-34.1-2-1).
- 40 (12) Until July 1, 1996, Indiana State board of television and
- 41 radio service examiners (IC 25-36-1-4).
- 42 (13) Real estate appraiser licensure certification board (IC
- 43 25-34.1-8).
- 44 (14) ~~Private detectives~~ **investigator and security guard** licensing
- 45 board (IC 25-30-1-5.1).
- 46 SECTION 8. IC 25-14-1-23 IS AMENDED TO READ AS
- 47 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 23. (a) Any person
- 48 shall be said to be practicing dentistry within the meaning of this
- 49 chapter who:
- 50 (1) uses the word "dentist" or "dental surgeon", the letters
- 51 "D.D.S." or "D.M.D.", or other letters or titles in connection with

dentistry;

(2) directs and controls the treatment of patients ~~within or owns or operates a place where dental services are performed;~~ **dental practice;**

(3) advertises or permits to be advertised by sign, card, circular, handbill, newspaper, radio, or otherwise that he can or will attempt to perform dental operations of any kind;

(4) offers to diagnose or professes to diagnose or treats or professes to treat any of the lesions or diseases of the human oral cavity, teeth, gums, or maxillary or mandibular structures;

(5) extracts human teeth or corrects malpositions of the teeth or jaws;

(6) administers dental anesthetics;

(7) uses x-ray pictures for dental diagnostic purposes;

(8) makes impressions or casts of any oral tissues or structures for the purpose of diagnosis or treatment thereof or for the construction, repair, reproduction, or duplication of any prosthetic device to alleviate or cure any oral lesion or replace any lost oral structures, tissue, or teeth; or

(9) advertises to the public by any method, except trade and professional publications, to furnish, supply, construct, reproduce, repair, or adjust any prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth.

However, a person does not have to be a dentist to be a manufacturer of dental prostheses.

(b) In addition to subsection (a), a person is practicing dentistry who directly or indirectly by any means or method furnishes, supplies, constructs, reproduces, repairs, or adjusts any prosthetic denture, bridge, appliance, or any other structure to be worn in the human mouth and delivers the resulting product to any person other than the duly licensed dentist upon whose written work authorization the work was performed. A written work authorization shall include the following:

(1) The name and address of the dental laboratory to which it is directed.

(2) The case identification.

(3) A specification of the materials to be used.

(4) A description of the work to be done and, if necessary, diagrams thereof.

(5) The date of issuance of the authorization.

(6) The signature and address of the licensed dentist or other dental practitioner by whom the work authorization is issued.

A separate work authorization shall be issued for each patient of the issuing licensed dentist or other dental practitioner for whom dental technological work is to be performed.

(c) This section shall not apply to those procedures which a legally licensed and practicing dentist may delegate to competent office personnel as to which procedures the dentist exercises supervision and responsibility. Delegated procedures may not include either:

(1) those procedures which require professional judgment and skill such as diagnosis, treatment planning, and the cutting of hard

or soft tissues or any intraoral impression which would lead to the fabrication of an appliance, which, when worn by the patient, would come in direct contact with hard or soft tissues and which could result in tissue irritation or injury; or

(2) those procedures allocated under IC 25-13-1 to licensed dental hygienists.

This chapter shall not prevent dental students from performing dental operations under the supervision of competent instructors within the dental school or a university recognized by the board or in any public clinic under the supervision of the authorized superintendent of such clinic authorized under the authority and general direction of the board of health or school board of any city or town in Indiana.

(d) Licensed pharmacists of this state may fill prescriptions of licensed dentists of this state for any drug necessary in the practice of dentistry.

SECTION 9. IC 25-22.5-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. The board shall do the following:

(1) Adopt rules and forms necessary to implement this article that concern, but are not limited to, the following areas:

(A) Qualification by education, residence, citizenship, training, and character for admission to an examination for licensure or by endorsement for licensure.

(B) The examination for licensure.

(C) The license or permit.

(D) Fees for examination, permit, licensure, and registration.

(E) Reinstatement of licenses and permits.

(F) Payment of costs in disciplinary proceedings conducted by the board.

**(G) Establishment of continuing education reporting requirements on license renewal forms. The rules adopted under this clause must require a practitioner who seeks to renew a license under this article to sign a statement, on a license renewal form prescribed by the board, indicating the number of hours spent in continuing education completed during the license renewal period. The renewal form prescribed by the board must contain a statement recommending that a practitioner retain, for one year following renewal of the practitioner's license, verification of the number of continuing education hours reported on the form.**

(2) Administer oaths in matters relating to the discharge of its official duties.

(3) Enforce this article and assign service bureau personnel duties as may be necessary in the discharge of the board's duty.

(4) Maintain, through the service bureau, full and complete records of all applicants for licensure or permit and of all licenses and permits issued.

(5) Make available, upon request, the complete schedule of minimum requirements for licensure or permit.

(6) Issue, at the board's discretion, a temporary permit to an

applicant for the interim from the date of application until the next regular meeting of the board.

(7) Issue an unlimited license, a limited license, or a temporary medical permit, depending upon the qualifications of the applicant, to any applicant who successfully fulfills all of the requirements of this article.

(8) Adopt rules establishing standards for the competent practice of medicine, osteopathic medicine, or any other form of practice regulated by a limited license or permit issued under this article.

(9) Adopt rules regarding the appropriate prescribing of Schedule III or Schedule IV controlled substances for the purpose of weight reduction or to control obesity.

SECTION 10. IC 25-22.5-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) A license issued under this article expires on June 30 of each odd-numbered year. Before June 30 of an odd-numbered year, an applicant for renewal shall pay the biennial renewal fee set by the board under IC 25-22.5-2-7.

(b) If the holder of a license does not renew the license by June 30 of each odd-numbered year, the license expires and becomes invalid without any action taken by the board. A license that becomes invalid under this subsection may be reinstated by the board up to three (3) years after the invalidation if the holder of the invalid license pays:

(1) the penalty fee set by the board under IC 25-22.5-2-7; and

(2) the renewal fee for the biennium.

(c) If a license that becomes invalid under this section is not reinstated by the board within three (3) years of its invalidation, the holder of the invalid license may be required by the board to take an examination for competence before the board will reinstate the holder's license.

(d) The board may adopt rules under IC 25-22.5-2-7 establishing requirements for the reinstatement of a lapsed license.

**(e) Every two (2) years, the board may randomly audit for verification at least one percent (1%) but not more than ten percent (10%) of the practitioners who report continuing education hours on the license renewal form under IC 25-22.5-2-7(1)(G).**

SECTION 11. IC 25-23-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) The board shall do the following:

(1) Adopt under IC 4-22-2 rules necessary to enable it to carry into effect this chapter.

(2) Prescribe standards and approve curricula for nursing education programs preparing persons for licensure under this chapter.

(3) Provide for surveys of such programs at such times as it considers necessary.

(4) Accredite such programs as meet the requirements of this chapter and of the board.

(5) Deny or withdraw accreditation from nursing education programs for failure to meet prescribed curricula or other standards.

- 1 (6) Examine, license, and renew the license of qualified
- 2 applicants.
- 3 (7) Issue subpoenas, compel the attendance of witnesses, and
- 4 administer oaths to persons giving testimony at hearings.
- 5 (8) Cause the prosecution of all persons violating this chapter and
- 6 have power to incur necessary expenses for these prosecutions.
- 7 (9) Adopt rules under IC 4-22-2 that do the following:
- 8 (A) Prescribe standards for the competent practice of
- 9 registered, practical, and advanced practice nursing.
- 10 (B) Establish with the approval of the medical licensing board
- 11 created by IC 25-22.5-2-1 requirements that advanced practice
- 12 nurses must meet to be granted authority to prescribe legend
- 13 drugs and to retain that authority.
- 14 **(C) Establish continuing education reporting requirements**
- 15 **on license renewal forms. The rules adopted under this**
- 16 **clause must require a nurse who seeks to renew a license**
- 17 **under this article to sign a statement, on a license renewal**
- 18 **form prescribed by the board, indicating the number of**
- 19 **hours spent in continuing education completed during the**
- 20 **license renewal period. The renewal form prescribed by**
- 21 **the board must contain a statement recommending that a**
- 22 **nurse retain, for one year following renewal of the nurse's**
- 23 **license, verification of the number of continuing education**
- 24 **hours reported on the form.**
- 25 (10) Keep a record of all its proceedings.
- 26 (11) Collect and distribute annually demographic information on
- 27 the number and type of registered nurses and licensed practical
- 28 nurses employed in Indiana.
- 29 (12) Notify each registered nurse and licensed practical nurse
- 30 residing in Indiana when final rules concerning the practice of
- 31 nursing are published in the Indiana register.
- 32 (b) The board may do the following:
- 33 (1) Create ad hoc subcommittees representing the various nursing
- 34 specialties and interests of the profession of nursing. Persons
- 35 appointed to a subcommittee serve for terms as determined by the
- 36 board.
- 37 (2) Utilize the appropriate subcommittees so as to assist the board
- 38 with its responsibilities. The assistance provided by the
- 39 subcommittees may include the following:
- 40 (A) Recommendation of rules necessary to carry out the duties
- 41 of the board.
- 42 (B) Recommendations concerning educational programs and
- 43 requirements.
- 44 (C) Recommendations regarding examinations and licensure
- 45 of applicants.
- 46 (3) Appoint nurses to serve on each of the ad hoc subcommittees.
- 47 (c) Nurses appointed under subsection (b) must:
- 48 (1) be committed to advancing and safeguarding the nursing
- 49 profession as a whole; and
- 50 (2) represent nurses who practice in the field directly affected by
- 51 a subcommittee's actions.

SECTION 12. IC 25-23-1-16.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 16.1. (a) A license to practice as a registered nurse expires on October 31 in each odd-numbered year. Failure to renew the license on or before the expiration date will automatically render the license invalid without any action by the board.

(b) A license to practice as a licensed practical nurse expires on October 31 in each even-numbered year. Failure to renew the license on or before the expiration date will automatically render the license invalid without any action by the board.

(c) The procedures and fee for renewal shall be set by the board.

(d) At the time of license renewal, each registered nurse and each licensed practical nurse shall pay an additional three dollar (\$3) fee. The lesser of the following amounts from fees collected under this subsection shall be deposited in the impaired nurses account of the state general fund established by section 34 of this chapter:

(1) Three dollars (\$3) per license renewed under this section.

(2) The cost per license to operate the impaired nurses program, as determined by the health professions bureau.

**(e) Every two (2) years, the board may randomly audit for verification at least one percent (1%) but not more than ten percent (10%) of the nurses who report continuing education hours on the license renewal form under IC 25-23-1-7(9)(C).**

SECTION 13. IC 25-23-1-19.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 19.5. (a) The board shall establish a program under which advanced practice nurses who meet the requirements established by the board are authorized to prescribe legend drugs, including controlled substances (as defined in IC 35-48-1).

(b) The authority granted by the board under this section:

(1) shall be granted initially to an advanced practice nurse for two

(2) years; and

(2) is subject to renewal indefinitely for successive periods of two

(2) years.

(c) The rules adopted under section 7 of this chapter concerning the authority of advanced practice nurses to prescribe legend drugs must do the following:

(1) Require an advanced practice nurse or a prospective advanced practice nurse who seeks the authority to submit an application to the board.

(2) Require, as a prerequisite to the initial granting of the authority, the successful completion by the applicant of a graduate level course in pharmacology providing at least two (2) semester hours of academic credit.

(3) Require, as a condition of the renewal of the authority, the completion by the advanced practice nurse ~~during the two (2) years immediately preceding the renewal of the authority of at least thirty (30) hours of continuing education, at least (8) hours of which must be in pharmacology of the following continuing education requirements:~~

**(A) An applicant for renewal who initially received**

prescriptive authority less than twelve (12) months before the expiration date of the prescriptive authority is not required to complete a continuing education requirement before the renewal.

(B) An applicant for renewal who initially received prescriptive authority at least twelve (12) months but less than twenty-four (24) months before the expiration date of the prescriptive authority shall submit proof to the board that the applicant has successfully completed at least fifteen (15) contact hours of continuing education. The hours must:

- (i) be obtained after the date the applicant initially received prescriptive authority but before the expiration date of the prescriptive authority;
- (ii) include at least four (4) contact hours of pharmacology; and
- (iii) be approved by a nationally approved sponsor of continuing education for nurses, approved by the board, and listed by the health professions bureau as approved hours.

(C) An applicant for renewal who initially received prescriptive authority at least twenty-four (24) months before the expiration date of the prescriptive authority shall submit proof to the board that the applicant has successfully completed at least thirty (30) contact hours of continuing education. The hours must:

- (i) be obtained within the two (2) years immediately preceding the renewal;
- (ii) include at least eight (8) contact hours of pharmacology; and
- (iii) be approved by a nationally approved sponsor of continuing education for nurses, approved by the board, and listed by the health professions bureau as approved hours.

SECTION 14. IC 25-23.6-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) This article may not be construed to limit the marriage and family therapy services performed by a person who does not use a title specified in this article and who is one (1) of the following:

- (1) A licensed or certified health care professional acting within the scope of the person's license or certificate.
- (2) A student, an intern, or a trainee pursuing a course of study in medicine or psychology or a course of study to gain licensure under this article in an accredited institution of higher education or training institution, or is a graduate accumulating experience required for licensure if:
  - (A) the activities are performed under qualified supervision and constitute a part of the person's supervised course of study or other level of supervision; and
  - (B) the student or graduate uses a title that contains the term "intern" or "trainee";

(3) Not a resident of Indiana if the person performed services in Indiana for not more than five (5) days in any one (1) month and not more than fifteen (15) days in any one (1) calendar year and the person is authorized to perform such services under the laws of the state or country in which the person resides.

(4) A rabbi, priest, Christian Science practitioner, minister, or other member of the clergy.

(5) An employee of or a volunteer for ~~a nonprofit corporation or~~ an organization performing charitable, religious, or educational functions, providing pastoral counseling or other assistance.

(6) A person who provides school counseling or a person who is certified by a state or national organization that is recognized by the Indiana division of mental health and who provides counseling in the areas of alcohol or drug abuse addictions.

(b) Nothing in this section prohibits a person referred to in subsection (a) from qualifying for licensure under this article.

SECTION 15. IC 25-23.6-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) This article may not be construed to limit the social work or clinical social work services performed by a person who does not use a title specified in this article and who is one (1) of the following:

(1) A licensed or certified health care professional acting within the scope of the person's license or certificate.

(2) A student, an intern, or a trainee pursuing a course of study in medicine, psychology, or a course of study to gain licensure under this article in an accredited institution of higher education or training institution accredited by the Council on Social Work Education, or a graduate accumulating experience required for licensure if:

(A) the services are performed under qualified supervision and constitute a part of the person's supervised course of study or other level of supervision; and

(B) the student or graduate uses a title that contains the term "intern", "student", or "trainee".

(3) Not a resident of Indiana if the person performed social work in Indiana for not more than five (5) days in any one (1) month or more than fifteen (15) days in any one (1) calendar year and the person is authorized to perform such services under the laws of the state or country in which the person resides.

(4) A rabbi, priest, Christian Science practitioner, minister, or other member of the clergy.

(5) An employee or a volunteer for ~~a nonprofit corporation or~~ an organization performing charitable, religious, or educational functions, providing pastoral counseling, or other assistance.

(6) A person who provides school counseling or a person who is certified by a state or national organization that is recognized by the Indiana division of mental health and who provides counseling in the areas of alcohol or drug abuse addictions.

(b) Nothing in this section prohibits a person referred to in subsection (a) from qualifying for licensure under this article.

SECTION 16. IC 25-23.6-4.5-2 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) This article may not be construed to limit the mental health counseling services performed by a person who does not use a title specified in this article and who is one (1) of the following:

(1) A licensed or certified health care professional acting within the scope of the person's license or certificate.

(2) A student, an intern, or a trainee pursuing a course of study in medicine, psychology, or a course of study to gain licensure under this article in an accredited institution of higher education or training institution, or is a graduate accumulating experience required for licensure if:

(A) the services are performed under qualified supervision and constitute a part of the person's supervised course of study or other level of supervision; and

(B) the student or graduate uses a title that contains the term "intern" or "trainee".

(3) Not a resident of Indiana if the person performed the services in Indiana for not more than five (5) days in any one (1) month or fifteen (15) days within any one (1) calendar year and the person is authorized to perform such services under the laws of the state or country in which the person resides.

(4) A rabbi, priest, Christian Science practitioner, minister, or other member of the clergy.

(5) An employee or a volunteer for a ~~nonprofit corporation~~ or an organization performing charitable, religious, or educational functions, providing pastoral counseling, or providing other assistance.

(6) A person who provides school counseling or a person who is certified by a state or national organization that is recognized by the Indiana division of mental health and who provides counseling in the areas of alcohol or drug abuse addictions.

(b) Nothing in this section prohibits a person referred to in subsection (a) from qualifying for licensure under this article.

SECTION 17. IC 25-23.6-8.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. An applicant under section 1 of this chapter must complete the following educational requirements:

(1) Complete sixty (60) semester hours of graduate coursework in counseling that must include either a master's degree ~~that required not less than forty-eight (48) semester hours~~ or a doctor's degree in counseling **from an accredited institution**. The graduate coursework must include the following content areas:

(A) Human growth and development.

(B) Social and cultural foundations of counseling.

(C) Helping relationship, including counseling theory and practice.

(D) Group dynamics, processes, counseling, and consultation.

(E) Lifestyle and career development.

(F) Assessment and appraisal of individuals.

(G) Research and program evaluation.

(H) Professional orientation and ethics.

(I) Foundations of mental health counseling.

(J) Contextual dimensions of mental health counseling.

(K) Knowledge and skills for the practice of mental health counseling and psychotherapy.

(L) Clinical instruction.

(2) Not less than one (1) supervised clinical practicum, internship, or field experience in a counseling setting, which must include a minimum of one thousand (1,000) clock hours consisting of one (1) practicum of one hundred (100) hours, one (1) internship of six hundred (600) hours, and one (1) advanced internship of three hundred (300) hours with at least one hundred (100) hours of face to face supervision. This requirement may be met by a supervised practice experience that took place away from an institution of higher education but that is certified by an official of the institution of higher education as being equivalent to a clinical mental health graduate level practicum or internship program at an institution accredited by an accrediting agency approved by the United States Department of Education or the Association of Universities and Colleges of Canada.

SECTION 18. IC 25-30-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. This chapter may be cited as the "~~Detective License~~ **Private Investigator Licensing Law**."

SECTION 19. IC 25-30-1-1.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1.2. (a) Except as provided in subsection (b), this chapter does not apply to a law enforcement officer (as defined in IC 3-6-6-36) who has graduated from the law enforcement training academy and is employed full time as a law enforcement officer.

(b) This chapter applies to a law enforcement officer to the extent that the law enforcement officer is engaged in the business of a private ~~detective investigator~~ as an individual with the assistance of a licensed or unlicensed person.

SECTION 20. IC 25-30-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. As used in this chapter:

(1) "Person" means an individual, a firm, a company, an association, an organization, a partnership, or a corporation.

(2) "Licensee" means a person licensed under this chapter.

(3) "~~Private detective~~ **investigator**" means a person who conducts a private ~~detective investigator~~ business with or without the assistance of an employee.

(4) "~~Private detective investigator~~ business" means the business of:

(A) making, for hire or reward, investigation or investigations for the purpose of obtaining information with reference to:

(i) a crime against the state or wrongs done or threatened;

(ii) the habits, conduct, movements, whereabouts, association, transactions, reputation, or character of a person;

(iii) credibility of witnesses or other persons;

(iv) the location or recovery of lost, ~~or~~ stolen, **abandoned**,

1 **or unclaimed** property;

2 (v) the causes, origin, or responsibility for fires or accidents  
3 or injuries to real or personal property; or

4 (vi) the truth or falsity of a statement or representation;

5 (B) securing, for hire or reward, evidence to be used for  
6 authorized investigation committees or boards of award or  
7 arbitration or in the trial of civil or criminal cases; or

8 (C) ~~furnishing;~~ **providing,** for hire or reward, ~~a guard or~~  
9 ~~guards or other persons to protect persons or property or to~~  
10 ~~prevent the misappropriation or concealment of goods; wares~~  
11 ~~and merchandise; money; bonds; stocks; choses in action;~~  
12 ~~notes; or other valuable documents or papers.~~ **undercover**  
13 **investigators for the purpose of detecting and preventing**  
14 **fraud and theft in the workplace and elsewhere.**

15 (5) "Industrial plant" means a factory, business, or concern that is  
16 engaged primarily in the manufacture or assembly of goods or the  
17 processing of raw materials, or both.

18 (6) "Board" refers to the private ~~detectives investigator and~~  
19 **security guard** licensing board established under section 5.1 of  
20 this chapter.

21 (7) "Licensing agency" refers to the Indiana professional licensing  
22 agency established under IC 25-1-6.

23 (8) "Resident" means a person who has established an actual  
24 domicile in Indiana.

25 SECTION 21. IC 25-30-1-3 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) It shall be  
27 unlawful for a person ~~partnership, or corporation~~ to engage in the  
28 business of ~~a private detective, investigator,~~ or to solicit or advertise  
29 for business as a private ~~detective, investigator,~~ or to represent or hold  
30 the person ~~partnership, or corporation~~ out to be a private ~~detective~~  
31 **investigator** unless the person ~~partnership, or corporation~~ is licensed  
32 under this chapter and complies with this chapter and rules adopted  
33 under this chapter.

34 **(b) A change in the ownership of a private investigator business**  
35 **that results in a change of qualifying licensee requires that a new**  
36 **application for licensure must be filed with the board.**

37 SECTION 22. IC 25-30-1-5 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. This chapter does not  
39 require any of the following persons to be a licensee:

40 (1) A law enforcement officer of the United States, a state, or a  
41 political subdivision of a state to the extent that the officer or  
42 employee is engaged in the performance of the officer's or  
43 employee's official duties.

44 (2) Any person to the extent that the person is engaged in the  
45 business of furnishing and obtaining information concerning the  
46 financial rating of other persons.

47 (3) A collection agency licensed by the secretary of state or its  
48 employee acting within the scope of the employee's employment,  
49 to the extent that the person is making an investigation incidental  
50 to the business of the agency, including an investigation of the  
51 location of a debtor or a debtor's assets in a property that the client

has an interest in or a lien upon.

~~(4) An armored service agency to the extent that the agency is engaged in the business of transporting property to prevent the theft or unlawful taking of goods, wares, merchandise, or money.~~

~~(5) An attorney or employee of an attorney to the extent that the person is engaged in investigative matters incident to the delivery of professional services that constitute the practice of law.~~

~~(6)~~ **(5)** An insurance adjuster to the extent that the adjuster is employed in the investigation and settlement of claims made against insurance companies or persons insured by insurance companies if the adjuster is a regular employee of the insurance company, and the insurance company is authorized to do business in Indiana and is complying with the laws regulating insurance companies in Indiana.

~~(7) Any employee to the extent that the employee is hired for the purpose of guarding and protecting the properties of railroad companies and is licensed as a railroad policeman under IC 8-3-17.~~

~~(8) An owner of an industrial plant or an employee of the owner to the extent that the person is hiring a plant security guard for the owner's industrial plant.~~

~~(9)~~ **(6)** A person primarily engaged in the business of furnishing information for:

(A) business decisions and transactions in connection with credit, employment, or marketing; or

(B) insurance purposes;

including a consumer reporting agency as defined by the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

~~(10) A retail merchant or an employee of the retail merchant to the extent that the person is hiring a security guard for the retail merchant's retail establishment.~~

~~(11)~~ **(7)** A professional engineer registered under IC 25-31 or a person acting under a registered professional engineer's supervision, to the extent the professional engineer is engaged in an investigation incident to the practice of engineering.

~~(12)~~ **(8)** An architect with a certificate of registration under IC 25-4, to the extent the architect is engaged in an investigation incident to the practice of architecture.

~~(13)~~ **(9)** A land surveyor with a certificate of registration under IC 25-21.5, to the extent the land surveyor is engaged in an investigation incident to the practice of land surveying.

SECTION 23. IC 25-30-1-5.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5.1. (a) The private ~~detectives investigator and security guard~~ licensing board is established.

(b) The board consists of the superintendent of the state police department or the superintendent's designee and the following ~~six~~ **seven** ~~(6)~~ **(7)** members appointed by the governor from different geographic regions of Indiana as determined by the governor:

(1) ~~Two~~ ~~(2)~~ **Three** **(3)** private ~~detectives investigators~~ licensed under this chapter who are associated with a private detective

business that employs less than fifteen (15) persons: **article.**

(2) ~~One (1) private detective licensed under this chapter who is associated with a private detective business that employs at least fifteen (15) persons. Two (2) security guards licensed under this article.~~

(3) One (1) local law enforcement official.

(4) One (1) person who is not associated with the private **detective investigator** business other than as a consumer.

(5) ~~One (1) private detective licensed under this chapter who is a sole practitioner.~~

(c) A member of the board appointed by the governor serves a two (2) year term.

(d) The governor may remove a board member appointed by a governor for incompetency or failure to perform the member's duties under this chapter.

(e) If an appointed member cannot finish the member's term or is removed by the governor, the governor shall appoint a successor to serve for the remainder of the unexpired term.

(f) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

SECTION 24. IC 25-30-1-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5.5. (a) The board shall adopt rules under IC 4-22-2 to implement this ~~chapter~~ **article.**

(b) The board may not adopt rules concerning qualifications for licensure that are so restrictive that a person may not be licensed under this ~~chapter~~ **article.**

SECTION 25. IC 25-30-1-5.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 5.7. The board may enter into a reciprocity agreement with another state if the legal standards for licensure in the other state are substantially the same as or more stringent than the standards under this article.**

SECTION 26. IC 25-30-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) An application for license as a private ~~detective~~ **investigator** must be on a form prescribed by the board accompanied by the license fee as provided by this chapter.

(b) The application shall be verified and shall include the following:

(1) The full name and business address, **including street address**, of the applicant.

(2) The name under which the applicant intends to do business as a private ~~detective~~ **investigator.**

(3) If the applicant is a person other than an individual, the full name and residence address of each of its members, partners, officers, and directors, and its managers.

(4) Other information, evidence, statements, or documents

required by the board.

SECTION 27. IC 25-30-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) Before the application for a license is granted the applicant must meet all of the following:

- (1) Be at least twenty-one (21) years of age.
- (2) ~~Be a resident of Indiana for at least one (1) year; except for firms, partnerships, or corporations that are licensed in another state and who otherwise comply with this chapter.~~

(3) Have:

- (A) **four thousand (4,000) hours of** experience in private ~~detective investigator~~ work under a licensee, or its equivalent;
- (B) **four thousand (4,000) hours of** law enforcement experience;
- (C) **at least a bachelor's** degree in criminal justice; or
- (D) any other experience relevant to the private ~~detective investigator~~ business;

as determined by the board.

(b) If the applicant is a corporation or a partnership, one (1) officer in the case of a corporation, or one (1) partner in the case of a partnership, must meet the personal qualifications as set out in subsection (a), unless otherwise provided.

(c) The board may deny a license unless the applicant makes a showing satisfactory to the board that the applicant has not, or if a partnership or corporation, that the officer or partner in subsection (b): ~~has not:~~

- (1) **has not** committed an act, which, if committed by a licensee would be ground for the suspension or revocation of a license under this chapter;
- (2) **has not** been convicted of a:
  - (A) felony; or
  - (B) ~~a~~ misdemeanor that has a direct bearing upon the applicant's ability to practice competently;
- (3) **has not** been refused a license under this chapter or had a license revoked; ~~or~~
- (4) **has not**, while unlicensed, committed or aided and abetted commission of an act for which a license is required by this chapter;
- (5) **is not on probation or parole; or**
- (6) **is not being sought under an active warrant against the applicant.**

(d) **The applicant must be a citizen or legal resident of the United States.**

(e) **Firms, partnerships, or corporations that are licensed in another state and that otherwise comply with this chapter are not required to be domiciled in Indiana.**

SECTION 28. IC 25-30-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. (a) Upon the death of an individual licensed under this chapter, the business with which the decedent was connected may be carried on for a period of ninety (90) days by the following:

(1) In the case of an individual licensee the surviving spouse, or if there is no surviving spouse, the executor or administrator of the estate of the decedent.

(2) In case of a partner, the surviving partners.

(3) In case of an officer of a firm, company, association, organization, or corporation, the other officers of the firm, company, association, organization, or corporation.

(b) Upon the authorization of the board, the business may be carried on for a further period of time when necessary to complete an investigation or assist in litigation pending at the death of the decedent.

(c) Nothing in this section authorizes the solicitation or acceptance of business after the death of the decedent except as provided by this chapter.

(d) Nothing in this section shall be construed to restrict the sale of a private ~~detective~~ **investigator** business if the vendee qualifies for a license under this chapter.

SECTION 29. IC 25-30-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) **The board shall issue the following types of private investigator licenses:**

(1) **A principal private investigator license, for an individual who is:**

(A) **a sole practitioner; or**

(B) **the qualifying licensee for a private investigator firm.**

(2) **A private investigator firm license, for a private investigator firm.**

(3) **An authorized employee license, for an employee of a private investigator firm, other than an employee who:**

(A) **is the qualifying licensee under subdivision (1); or**

(B) **is not engaged in field work.**

(b) A license, when issued, shall be in a form determined by the board and shall include the following:

(1) The name of the licensee, or the names of the individual partners if the licensee is a partnership, or the names of the officers and directors of the corporation if the licensee is a corporation.

(2) The name under which the licensee is to operate.

(3) The number and date of the license.

(4) Other information the board deems necessary.

~~(b)~~ (c) The license shall be posted in a conspicuous place in the principal place of business of the licensee.

~~(c)~~ (d) Upon the issuance of a license, a pocket card of a design determined by the board shall be issued without charge to each licensee other than a corporation. If the licensee is a corporation or partnership, the pocket card must be issued to each officer, partner, and manager of the corporation or partnership who also meet the requirements under section 8 of this chapter. Each individual who is issued a pocket card under this subsection shall affix **on the back of the pocket card** an appropriate picture. ~~to the pocket card, and in addition to the picture the pocket card shall also contain a fingerprint of the forefinger of the licensee.~~ When a license is revoked, the pocket card shall be surrendered and, within five (5) days after revocation, shall be mailed

or delivered by the licensee to the board for cancellation.

~~(d)~~ (e) The board shall furnish each of the licensee's employees, except office employees, with an identification card. The identification card shall contain ~~a recent picture of the employee;~~ the employee's name, the licensee's name and address, **and** the license number of the employee's employer. ~~and a thumbprint of the employee.~~ The licensee shall affix ~~each employee's picture and thumbprint to the identification card.~~ **on the back of the identification card a recent picture of the employee.**

~~(e)~~ (f) A licensee shall, within thirty (30) days after a change, notify the board of any changes of the licensee's address, of the name under which the licensee does business, and of a change of the licensee's officers, directors, members, or partners.

~~(f)~~ (g) A license issued under this chapter is not assignable and is personal to the licensee.

SECTION 30. IC 25-30-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 11. (a) A licensee may employ, to assist the licensee in the licensee's business as a private ~~detective; investigator,~~ as many ~~unlicensed person; persons who are~~ **at least eighteen (18) years of age** as may be necessary. **However, all employees must be registered with the board.** The licensee is civilly responsible for the good conduct of an employee while the employee is acting on behalf of the licensee.

(b) A licensee shall maintain a record, relative to the licensee's employees, containing the following information:

- (1) A picture taken within thirty (30) days of the date that the employee commences employment with the licensee.
- (2) A full set of fingerprints of both hands of the employee.

SECTION 31. IC 25-30-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. ~~(a)~~ It shall be unlawful for a person licensed by any other state to do business **as a private investigator** in Indiana unless the person is authorized to do business **as a private investigator** in Indiana. A person may not do business **as a private investigator** in Indiana ~~until unless~~ the person:

- (1) is licensed with the board **and under this chapter; and**
- (2) meets the requirements for licensees of this state. ~~except the residence requirement of one (1) year. In addition, an out-of-state person must prove to the board that the person is in good standing in the state the person was issued a license.~~

~~(b)~~ A person licensed under this section must have a resident licensee:

- (1) whose name and license number appear on the license for the private detective business; and
- (2) who, in writing to the board, assumes full responsibility for the following:
  - (A) All the employees of the private detective business.
  - (B) Maintaining all records required under this chapter in an Indiana location.
  - (C) Assuring compliance with this chapter.

(c) The resident licensee is responsible for informing the board, in

1 writing; of the following:

2 (1) When the relationship with an out-of-state licensee is  
3 terminated:

4 (2) Where records are maintained by the resident licensee:

5 (d) This section does not relieve a licensee of responsibility for  
6 complying with this chapter.

7 SECTION 32. IC 25-30-1-15 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. (a) An applicant for  
9 a private **detective investigator** license ~~who employs more than~~  
10 ~~fourteen (14) others~~ must submit proof to the board that the applicant  
11 is insured by an insurance company authorized to do business in  
12 Indiana for the amount of one hundred thousand dollars (\$100,000)  
13 liability per occurrence.

14 (b) An applicant for a private detective license ~~who employs less~~  
15 ~~than fifteen (15) others~~ must do one (1) of the following:

16 (1) Post with the board a surety bond that:

17 (A) names the applicant as the principal;

18 (B) obligates the surety in the amount of seven thousand  
19 dollars (\$7,000) to the board in favor of the state;

20 (C) requires the principal, if granted a license, to conduct the  
21 business of private detective faithfully and honestly and to  
22 observe all Indiana statutes; and

23 (D) authorizes the board to declare the bond in default and to  
24 levy against the surety and the principal under the bond for the  
25 payment of actual damages to any person who is harmed as a  
26 result of the principal's violation of the requirements described  
27 in clause (C):

28 (2) Submit proof to the board that the applicant is insured by an  
29 insurance company authorized to do business in Indiana for the  
30 amount of one hundred thousand dollars (\$100,000) per liability  
31 occurrence:

32 (c) The insurance referred to in subsections **subsection (a): and**  
33 **(b)(2):**

34 (1) must cover damages that the insured becomes legally  
35 obligated to pay for bodily injury or property damage proximately  
36 caused to a person by the insured in conducting business as a  
37 private **detective; investigator;**

38 (2) must include coverage for:

39 (A) false arrest, detention, or imprisonment;

40 (B) malicious prosecution; and

41 (C) wrongful entry or eviction, or other invasion of the right of  
42 private occupancy; and

43 (3) may not exclude coverage for an intentional act taken by or at  
44 the direction of the insured that results in bodily injury, if such  
45 injury arises solely from the use of reasonable force for the  
46 purpose of protecting persons or property.

47 (d) Every (c) ~~If a licensee who employs at least fifteen (15) others~~  
48 ~~shall at all times maintain in force the insurance referred to in~~  
49 ~~subsection (a). Upon a licensee's failure fails to comply with this~~  
50 ~~subsection (a), the license of the licensee shall be suspended. A license~~  
51 ~~suspended under this subsection may not be reinstated until an~~

1 application for the license, in the form prescribed by the board, is filed  
2 with the board, together with proper proof of insurance.

3 ~~(e) Every licensee who employs less than fifteen (15) others shall at~~  
4 ~~all times maintain in force a surety bond on file with the board under~~  
5 ~~subsection (b)(1) or maintain in force the insurance provided by~~  
6 ~~subsection (b)(2). Upon a licensee's failure to comply with this~~  
7 ~~subsection, the license of the licensee shall be suspended. A license~~  
8 ~~suspended under this subsection may not be reinstated until an~~  
9 ~~application for the license, in the form prescribed by the board, is filed~~  
10 ~~with the board, together with proper proof of insurance or surety bond.~~

11 ~~(f)~~ **(d)** The board may deny an application for the reinstatement of  
12 a license suspended under this section, notwithstanding the applicant's  
13 compliance with the insurance ~~or the surety bond requirements~~  
14 **requirement** of this section for any of the following:

15 (1) Any reason that would justify a refusal to issue, a suspension,  
16 or a revocation of a license.

17 (2) The performance by the applicant, while the applicant's  
18 license was suspended under this section, of any practice for  
19 which a license under this chapter is required.

20 ~~(g) A surety bond posted with the board under this section may be~~  
21 ~~canceled by the surety thirty (30) days after the surety gives the board~~  
22 ~~written notice of its intent to cancel the bond. However, the~~  
23 ~~cancellation of a bond under this subsection does not terminate the~~  
24 ~~liability of the surety on the bond in connection with any action~~  
25 ~~commenced before the cancellation of the bond.~~

26 SECTION 33. IC 25-30-1-17 IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 17. (a) The board shall  
28 charge and the licensing agency shall collect the following private  
29 **detective investigator** license fees:

30 (1) For issuance or renewal of a ~~private detective principal~~  
31 **private investigator** license, ~~a private investigator firm license,~~  
32 **or an authorized employee license**, a fee of one hundred fifty  
33 dollars (\$150).

34 (2) For identification cards for unlicensed employees issued under  
35 section ~~10(d)~~ **10(e)** of this chapter, a fee of:

36 (A) ten dollars (\$10); or

37 (B) five dollars (\$5) if application for the identification card is  
38 made in the second year of the licensee's license.

39 (3) For reinstatement of a license referred to in section 16(c) of  
40 this chapter, a delinquent fee of seventy-five dollars (\$75).

41 **(b) If an applicant requests the issuance or renewal of both a**  
42 **private investigator license and a security guard license, the board**  
43 **shall charge a fee of two hundred dollars (\$200).**

44 ~~(b)~~ **(c)** All fees collected under this chapter shall go into the general  
45 fund and shall be accounted for by the licensing agency.

46 ~~(c)~~ **(d)** A license fee shall not be refunded unless a showing is made  
47 of ineligibility to receive the license by failure to meet the requirements  
48 of this chapter, or by a showing of mistake, inadvertence, or error in the  
49 collection of the fee.

50 SECTION 34. IC 25-30-1-21 IS AMENDED TO READ AS  
51 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 21. (a) Except as

provided in subsection (b), a person who violates this chapter commits a Class A misdemeanor.

(b) A person who is not exempt under section 5 of this chapter, who does not have a ~~private detective~~ license **under section 10(a) of this chapter**, and who:

(1) engages in the private ~~detective~~ **investigator** business;

(2) solicits or advertises for business as a private ~~detective~~; **investigator**; or

(3) in any way represents to be a private ~~detective~~; **investigator**; commits a Class A infraction.

(c) In addition to any other fine imposed on the person, the court shall fine the person convicted of an offense under subsection (b) the amount of compensation earned by the person in the commission of the offense. Notwithstanding IC ~~34-28-5-4(a)~~, **any other law**, the total fine imposed under this section may exceed ten thousand dollars (\$10,000) if necessary to comply with this subsection.

(d) Each transaction under subsection (b) constitutes a separate offense.

(e) A complaint for a violation of this chapter or for an injunction under section 22 of this chapter is sufficient if the complaint alleges that a person on a specific day in a specific county:

(1) acted as a private ~~detective~~; **investigator**;

(2) solicited or advertised for business as a private ~~detective~~; **investigator**; or

(3) represented to be a private ~~detective~~; **investigator**; without a ~~private detective~~ license **described in section 10(a) of this chapter**.

SECTION 35. IC 25-30-1.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

#### **Chapter 1.7. Regulation of Security Guards**

**Sec. 1.** This chapter may be cited as the "Security Guard Licensing Law".

**Sec. 2. (a)** Except as provided in subsection (b), this chapter does not apply to a law enforcement officer (as defined in IC 3-6-6-36) who has graduated from the law enforcement training academy and is employed full time as a law enforcement officer.

**(b)** This chapter applies to a law enforcement officer to the extent that the law enforcement officer is engaged in the security guard business as an individual with the assistance of a licensed or unlicensed person.

**Sec. 3.** As used in this chapter, "board" refers to the private investigator and security guard licensing board established under IC 25-30-1-5.1.

**Sec. 4.** As used in this chapter, "industrial plant" means a factory, business, or concern that is engaged primarily in the manufacture or assembly of goods or the processing of raw materials, or both.

**Sec. 5.** As used in this chapter, "licensee" means a person licensed under this chapter.

**Sec. 6.** As used in this chapter, "licensing agency" refers to the

1 Indiana professional licensing agency established under IC 25-1-6.

2 Sec. 7. As used in this chapter, "person" means an individual, a  
3 firm, a company, an association, an organization, a partnership, or  
4 a corporation.

5 Sec. 8. As used in this chapter, "resident" means a person who  
6 has established an actual domicile in Indiana.

7 Sec. 9. As used in this chapter, "security guard" means a person  
8 who conducts a security guard business with or without the  
9 assistance of an employee.

10 Sec. 10. As used in this chapter, "security guard business"  
11 means the business of furnishing, for hire or reward, a guard,  
12 guards, or other persons to protect persons or property or to  
13 prevent the misappropriation or concealment of goods, wares,  
14 merchandise, money, bonds, stocks, choses in action, notes, or  
15 other valuable documents or papers.

16 Sec. 11. It is unlawful for a person to engage in the security  
17 guard business, solicit or advertise for business as a security guard,  
18 or represent or hold the person out to be a security guard unless  
19 the person:

- 20 (1) is licensed under this chapter;
- 21 (2) complies with this chapter; and
- 22 (3) complies with rules adopted under this chapter.

23 Sec. 12. This chapter does not require any of the following  
24 persons to be a licensee under this chapter:

- 25 (1) A law enforcement officer of the United States, a state, or  
26 a political subdivision of a state to the extent that the officer  
27 or employee is engaged in the performance of the officer's or  
28 employee's official duties.
- 29 (2) An armored service agency to the extent that the agency is  
30 engaged in the business of transporting property to prevent  
31 the theft or unlawful taking of goods, wares, merchandise, or  
32 money.
- 33 (3) An employee to the extent that the employee is hired for  
34 the purpose of guarding and protecting the properties of  
35 railroad companies and is licensed as a railroad policeman  
36 under IC 8-3-17.
- 37 (4) The owner of an industrial plant or an employee of the  
38 owner to the extent that the person is hiring a plant security  
39 guard for the owner's industrial plant.
- 40 (5) A retail merchant or an employee of the retail merchant to  
41 the extent that the person is hiring a security guard for the  
42 merchant's retail establishment.

43 Sec. 13. (a) An application for license as a security guard must  
44 be on a form prescribed by the board accompanied by the license  
45 fee as provided by this chapter.

46 (b) The application must be verified and must include the  
47 following:

- 48 (1) The full name and business address, including street  
49 address, of the applicant.
- 50 (2) The name under which the applicant intends to do business  
51 as a security guard.

(3) If the applicant is a person other than an individual, the full name and residence address of each of its members, partners, officers, directors, and managers.

(4) Other information, evidence, statements, or documents required by the board.

**Sec. 14. (a)** Before an application for a license is granted, the applicant must meet all of the following requirements:

(1) Be at least eighteen (18) years of age.

(2) Have:

(A) at least four thousand (4,000) hours of experience in security guard work under a licensee, or its equivalent;

(B) at least four thousand (4,000) hours of law enforcement or prison guard experience;

(C) at least a bachelor's degree in criminal justice or another subject as approved by the board; or

(D) any other experience relevant to the security guard business as determined by the board.

(b) If the applicant is a corporation or a partnership, one (1) officer in the case of a corporation, or one (1) partner in the case of a partnership, must meet the personal qualifications as set out in subsection (a), unless otherwise provided.

(c) The board may deny a license to an applicant unless the applicant makes a showing satisfactory to the board that the applicant, or if the applicant is a partnership or corporation, that the officer or partner in subsection (b):

(1) has not committed an act, which, if committed by a licensee, would be grounds for the suspension or revocation of a license under this chapter;

(2) has not been convicted of a:

(A) felony; or

(B) misdemeanor that has a direct bearing upon the applicant's ability to practice competently;

(3) has not been refused a license under this chapter or had a license revoked;

(4) has not, while unlicensed, committed or aided and abetted commission of an act for which a license is required by this chapter;

(5) is not on probation or parole; or

(6) is not being sought under an active warrant against the applicant.

(d) The applicant must be a citizen or legal resident of the United States.

(e) Firms, partnerships, or corporations that are licensed in another state, and that otherwise comply with this chapter, do not have to be domiciled in Indiana.

**Sec. 15. (a)** Upon the death of an individual licensed under this chapter, the business with which the decedent was connected may be carried on for a period of ninety (90) days by the following:

(1) In the case of an individual licensee, the surviving spouse, or if there is no surviving spouse, the executor or administrator of the estate of the decedent.

(2) In the case of a partner, the surviving partners.

(3) In the case of an officer of a firm, company, association, organization, or corporation, the other officers of the firm, company, association, organization, or corporation.

(b) Upon the authorization of the board, the business may be carried on for a longer period when necessary to complete an investigation or assist in litigation pending at the death of the decedent.

(c) This section does not authorize the solicitation or acceptance of business after the death of the decedent except as provided by this chapter.

(d) This section does not restrict the sale of a security guard business if the vendee qualifies for a license under this chapter.

**Sec. 16. (a) The board shall issue the following types of security guard licenses:**

(1) A principal security guard license, for an individual who is:

(A) a sole practitioner; or

(B) the qualifying licensee for a security firm.

(2) A security firm license, for a security firm.

(3) An authorized employee license, for an employee of a security firm, other than an employee who:

(A) is the qualifying licensee under subdivision (1); or

(B) is not engaged in field work.

(b) A license, when issued, must be in a form determined by the board and must include the following:

(1) The name of the licensee, or the names of the individual partners if the licensee is a partnership, or the names of the officers and directors of the corporation if the licensee is a corporation.

(2) The name under which the licensee is to operate.

(3) The number and date of the license.

(4) Other information the board considers necessary.

(c) The license shall be posted in a conspicuous place in the principal place of business of the licensee.

(d) Upon the issuance of a license, a pocket card of a design determined by the board shall be issued without charge to each licensee other than a corporation. If the licensee is a corporation or partnership, the pocket card must be issued to each officer, partner, and manager of the corporation or partnership who also meet the requirements under section 14 of this chapter. Each individual who is issued a pocket card under this subsection shall affix on the back of the pocket card an appropriate picture. When a license is revoked, the pocket card must be surrendered and, within five (5) days after revocation, must be mailed or delivered by the licensee to the board for cancellation.

(e) The board shall furnish each of the licensee's employees, except office employees, with an identification card. The identification card must contain the employee's name, the licensee's name and address, and the license number of the employee's employer. The licensee must affix on the back of the identification

card a recent picture of the employee.

(f) A licensee shall, within thirty (30) days after a change, notify the board of any changes of the licensee's address, of the name under which the licensee does business, and of a change in the licensee's officers, directors, members, or partners.

(g) A license issued under this chapter is not assignable and is personal to the licensee.

Sec. 17. (a) A licensee may employ, to assist the licensee in the licensee's business as a security guard, as many unlicensed persons who are at least eighteen (18) years of age as may be necessary. However, all employees must be registered with the board. The licensee is civilly responsible for the good conduct of an employee while the employee is acting on behalf of the licensee.

(b) A licensee shall maintain a record, relative to the licensee's employees, containing the following information:

(1) A picture taken within thirty (30) days of the date that the employee commences employment with the licensee.

(2) A full set of fingerprints of both hands of the employee.

Sec. 18. An advertisement by a licensee soliciting or advertising for business must contain the name and address of the licensee as they appear in the records of the board.

Sec. 19. It is unlawful for a person licensed by any other state to do business as a security guard in Indiana unless the person is authorized to do business as a security guard in Indiana. A person may not do business as a security guard in Indiana unless the person:

(1) is licensed by the board under this chapter; or

(2) meets the requirements for licensees of this state.

Sec. 20. (a) An applicant for a security guard license must submit proof to the board that the applicant is insured by an insurance company authorized to do business in Indiana for the amount of one hundred thousand dollars (\$100,000) liability per occurrence.

(b) The insurance referred to in subsection (a):

(1) must cover damages that the insured becomes legally obligated to pay for bodily injury or property damage proximately caused to a person by the insured in conducting business as a security guard;

(2) must include coverage for:

(A) false arrest, detention, or imprisonment;

(B) malicious prosecution; and

(C) wrongful entry or eviction, or other invasion of the right of private occupancy; and

(3) may not exclude coverage for an intentional act taken by or at the direction of the insured that results in bodily injury, if such injury arises solely from the use of reasonable force for the purpose of protecting persons or property.

(c) If a licensee fails to comply with subsection (a), the license of the licensee shall be suspended. A license suspended under this subsection may not be reinstated until an application for the license, in the form prescribed by the board, is filed with the board,

1 together with proper proof of insurance.

2 (d) The board may deny an application for the reinstatement of  
3 a license suspended under this section, notwithstanding the  
4 applicant's compliance with the insurance requirement of this  
5 section for any of the following:

6 (1) Any reason that would justify a refusal to issue, a  
7 suspension, or a revocation of a license.

8 (2) The performance by the applicant, while the applicant's  
9 license was suspended under this section, of any practice for  
10 which a license under this chapter is required.

11 Sec. 21. (a) A license and the identification cards of the licensee's  
12 employees issued under this chapter expire two (2) years from the  
13 date of issuance of the license.

14 (b) A licensee desiring a renewal license must:

15 (1) file an application for renewal at least thirty (30) days  
16 before the expiration of the licensee's license on a form  
17 prescribed by the board; and

18 (2) meet the license renewal requirements determined by the  
19 board.

20 (c) A license may be reinstated within thirty (30) days after the  
21 expiration of the license if the applicant does the following:

22 (1) Files an application for renewal with the board.

23 (2) Meets the license requirements determined by the board.

24 (3) Pays the license and delinquent fees.

25 (d) Employee identification cards issued under this chapter  
26 expire at the same time as the license referred to in subsection (a).

27 Sec. 22. (a) The board shall charge and the licensing agency  
28 shall collect the following security guard license fees:

29 (1) For issuance or renewal of a principal security guard  
30 license, a security firm license, or an authorized employee  
31 license, a fee of one hundred fifty dollars (\$150).

32 (2) For identification cards for unlicensed employees issued  
33 under section 16(e) of this chapter, a fee of:

34 (A) ten dollars (\$10); or

35 (B) five dollars (\$5), if application for the identification  
36 card is made in the second year of the licensee's license.

37 (3) For reinstatement of a license referred to in section 21(c)  
38 of this chapter, a delinquent fee of seventy-five dollars (\$75).

39 (b) If an applicant requests the issuance or renewal of both a  
40 private investigator license and a security guard license, the board  
41 shall charge a fee of two hundred dollars (\$200).

42 (c) All fees collected under this chapter must be deposited in the  
43 state general fund and must be accounted for by the licensing  
44 agency.

45 (d) A license fee may not be refunded unless a showing is made  
46 of ineligibility to receive the license based upon failure to meet the  
47 requirements of this chapter or based upon a showing of mistake,  
48 inadvertence, or error in the collection of the fee.

49 Sec. 23. (a) The proceedings under this chapter shall be  
50 conducted in accordance with IC 4-21.5, and the board has all  
51 powers granted under IC 4-21.5.

(b) The board may impose sanctions against a licensee under IC 25-1-11 if the board determines that the licensee has done any of the following:

(1) Forcibly and without the consent of the person in lawful possession, entered a building or portion of a building.

(2) Impersonated, or permitted or aided and abetted an employee to impersonate a law enforcement officer, an employee of the United States government, an employee of the state, or an employee of a political subdivision of the state.

(3) During the period between the expiration of a license for failure to renew within the time fixed by this chapter and the reinstatement of the license, has committed or permitted an employee to commit an act that would be cause for suspension or revocation of a license, or grounds for the denial for the application for a license.

(4) Committed an act that is grounds for the denial of an application for a license under this chapter.

Sec. 24. This chapter does not authorize a licensee to carry any weapon.

Sec. 25. A person who files a civil action to collect fees for performing acts regulated by this chapter must allege and prove that when the action arose, the person was not in violation of section 27 of this chapter.

Sec. 26. It is the duty of a prosecuting attorney to whom the board reports a violation of this chapter to cause proceedings to be commenced against a person violating this chapter and to prosecute the person to final termination.

Sec. 27. (a) Except as provided in subsection (b), a person who violates this chapter commits a Class A misdemeanor.

(b) A person who is not exempt under section 12 of this chapter, who does not have a license under section 16(a) of this chapter, and who:

(1) engages in the security guard business;

(2) solicits or advertises for business as a security guard; or

(3) in any way represents to be a security guard;

commits a Class A infraction.

(c) In addition to any other fine imposed on the person, the court shall fine a person convicted of an offense under subsection (b) the amount of compensation earned by the person in the commission of the offense. Notwithstanding any other law, the total fine imposed under this section may exceed ten thousand dollars (\$10,000) if necessary to comply with this subsection.

(d) Each transaction under subsection (b) constitutes a separate offense.

(e) A complaint for a violation of this chapter or for an injunction under section 28 of this chapter is sufficient if the complaint alleges that a person on a specific day in a specific county:

(1) acted as a security guard;

(2) solicited or advertised for business as a security guard; or

(3) represented to be a security guard;

without a license described in section 16(a) of this chapter.

Sec. 28. (a) If the board determines that a person who is not licensed or exempt under this chapter is engaged in activities that require a license, the board may send a notice of hearing requiring the person to show cause why the challenged activities are not a violation of this chapter. The notice must be in writing and include the following information:

(1) The date, time, and place of the hearing.

(2) The alleged violation.

(3) That the affected person or the person's representative may present evidence concerning the alleged violation.

(b) A hearing conducted under this section must comply with the requirements under IC 4-21.5.

(c) If the board after a hearing determines that the activities that the person engaged in are subject to licensing under this chapter, the board may issue a cease and desist order that describes the person and activities that are the subject of the order.

(d) A cease and desist order issued under this section is enforceable in the circuit courts of Indiana.

(e) The attorney general, the board, or the prosecuting attorney of any county where a violation of section 27(b) of this chapter occurs may file an action in the name of the state for an injunction.

SECTION 36. IC 25-30-2 IS REPEALED [EFFECTIVE JULY 1, 1999].

SECTION 37. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 25-14-1-27.1, the state board of dental examiners may classify a dental license as inactive if the board receives written notification from a licensed dentist stating that the licensed dentist retired from the practice of dentistry in Indiana after July 1, 1990, and before July 1, 1995, and the dentist can demonstrate to the board that the dentist is fit to resume the practice of dentistry.

(b) This SECTION expires August 1, 1999.

SECTION 38. [EFFECTIVE JULY 1, 1999] (a) The social worker, marriage and family therapist, and mental health counselor board established under IC 25-23.6-2 shall amend 839 IAC 1-6-2(e) to add the Indiana council of community mental health centers to the list of organizations that are approved as sponsors for continuing education programs.

(b) This SECTION expires January 1, 2001.

SECTION 39. [EFFECTIVE JULY 1, 1999] (a) As used in this SECTION, "board" refers to the private investigator and security guard licensing board established under IC 25-30-1-5.1, as amended by this act.

(b) Notwithstanding IC 25-30-1-5.1, as amended by this act, the governor shall appoint the board members required under IC 25-30-1-5.1(b)(2), as amended by this act, before September 1, 1999, for terms expiring as follows:

(1) One (1) security guard member for a term expiring June 30, 2000.

(2) One (1) security guard member for a term expiring June

1           **30, 2001.**  
2           **(c) This SECTION expires July 1, 2001.**  
3           SECTION 40. [EFFECTIVE JULY 1, 1999] (a) Notwithstanding  
4           the repeal of IC 25-30-2 by this act, a certificate of competence  
5           issued under IC 25-30-2-2, before its repeal by this act, has the  
6           same effect as a certificate of competence issued under  
7           IC 10-1-11-3, as added by this act.  
8           (b) Notwithstanding the repeal of IC 25-30-2 by this act, a rule  
9           adopted under IC 25-30-2, before its repeal, remains in effect as if  
10          the rule were adopted under IC 10-1-11, as added by this act.  
11          SECTION 41. An emergency is declared for this act".  
12          Renumber all SECTIONS consecutively.  
            (Reference is to EHB 1613 as reprinted March 31, 1999.)

**Conference Committee Report**  
**on**  
**House Bill 1613**

**S**igned by:

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Senator Miller

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Representative Brown C

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Senator Craycraft

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Representative Dillon

**Senate Conferees**

**House Conferees**